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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,488	03/03/2006	Barry Douglas Armour	0074-516912	8707
110 7590 10/10/2007 DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			EXAMINER LOWE, MICHAEL S	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,488	Applicant(s) ARMOUR ET AL.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/06 & 8/20/07</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claim 17 is objected to because of the following informalities: applicant states "it" in line 2 but for sake of examination it is assumed he meant "is". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11,15,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (US 2,446,791).

Re claims 1,20, Cook teaches a truck including: a chassis (generally 10) supporting a cab 14; and a deck (generally 19) which is supported at least partly by a rearmost axle 28 and wheels 29 by a suspension arrangement (generally 40,40',40"45,48), with a forward part (generally 48) of the suspension arrangement operatively connected to the chassis and a rear part (generally 40") of the suspension arrangement operatively connected to the deck (generally 19) or a deck support frame (generally 19), wherein the deck is tiltable relative to the chassis about a pivot axis (generally 24,52,58,etc.) located in front of the rearmost axle of the truck and arranged such that as the deck tilts rearwardly, the chassis tilts forwardly (to some extent) and

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said forward part of the suspension arrangement (generally 40,40',40",45,48) moves upwardly relative to the deck, thereby, lowering the deck towards the rearmost axle.

Re claim 2, Cook teaches chassis mates forwardly of the rearmost axle.

Re claim 3, Cook teaches the deck supported by a deck support frame pivotally connected to the chassis at the pivot axis.

Re claim 4, Cook teaches pivotally connected to the chassis at the pivot axis.

Re claim 5, Cook teaches the chassis includes a pair of transversely extending arms (generally 16) which are pivotally connected to the deck or deck support frame to provide the pivoting connection between the deck and the chassis.

Re claim 6, Cook teaches the outwardly extending arms (generally 16) are part of a chassis subframe member which forms a rearward part of the chassis.

Re claim 7, Cook teaches said pivot axis (generally 52,58,etc.) positioned forwardly of said forward part of the suspension arrangement.

Re claim 8, Cook teaches the suspension arrangement comprises leaf spring suspension.

Re claim 9, Cook teaches the leaf spring suspension includes a pair of spaced apart leaf springs (generally 40), with the rear ends of the leaf springs operatively connected to the deck or deck support frame (generally 19), and the front ends of the leaf springs operatively connected to the chassis (generally 10,16), so that as the deck tilts the front ends of the leaf springs move upwardly (at least to some extent) relative to the deck, thereby lowering the deck towards the axle.

Re claim 10, Cook teaches the chassis includes a pair of spring connectors

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(generally 16,17,24,40',40'',48) for attachment to the front ends of respective leaf springs.

Re claim 11, Cook teaches the spring connectors are carried by a chassis subframe member (generally 16,17) which forms a rearward part of the chassis.

Re claim 15, Cook teaches an engine (not numbered) supported by the chassis, a driveshaft (generally 20) to transmit motive power from the engine and which extends rearwardly from the engine, and a differential (generally 26) to transmit motion from the driveshaft to the wheels carried by the rearmost axle, wherein the driveshaft includes a pivot (generally 23) to accommodate changes in angle between the driveshaft and differential as the deck is tilted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12,13,14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 2,446,791) in view of Mullican (US 5,887,880).

Re claims 12,14, Cook does not teach an opening or cover in the deck for the springs or their connectors to pass thru. Mullican teaches a suspension system wherein the deck includes a pair of apertures, shaped recesses or moveable covers (for suspension or wheels, see figures) which enable the front ends of the suspension (leaf

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springs and/or the spring connectors) to extend above a lower part of the deck when the deck is tilted in order to reduce the tilt angle when loading/unloading. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Cook by the general teaching of Mullican to have a suspension system wherein the deck includes a pair of apertures, shaped recesses or moveable covers which enable the front ends of the leaf springs and/or the spring connectors to extend above a lower part of the deck when the deck is tilted in order to reduce the tilt angle when loading/unloading.

Re claim 13, Cook teaches the suspension arrangement includes a pair of spaced apart leaf springs, with the front ends of the leaf springs operatively connected to the chassis, but does not teach the rear ends of the leaf springs operatively connected to the deck or deck support frame via respective air bags configured to enable air to be expelled as the deck is tilted, thereby further lowering the deck towards the rearmost axle. Mullican teaches a suspension system wherein an end of the suspension is operatively connected to the deck or deck support (generally 36, etc.) frame via respective air bags (generally 46) configured to enable air to be expelled as the deck is tilted, thereby further lowering the deck towards the rearmost axle in order to assist in loading/unloading. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Cook by the general teaching of Mullican to have a suspension system wherein an end of the suspension is operatively connected to the deck or deck support frame via respective air bags configured to

enable air to be expelled as the deck is tilted, thereby further lowering the deck towards the rearmost axle in order to assist in loading/unloading.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 2,446,791) in view of Mentele (US 6,461,096).

Re claim 16, Cook does not teach a ramp but Mentele teaches a ramp at or towards the rear end of the deck and which is moveable from a storage position to a loading/unloading position in order to help with safety and uneven terrain (column 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Cook by the teaching of Mentele to have a ramp at or towards the rear end of the deck and which is moveable from a storage position to a loading/unloading position in order to help with safety and uneven terrain.

Re claim 17, Cook as already modified by Mentele in claim 16 teaches the ramp configured to automatically move to the loading/unloading position as the deck is tilted, and to automatically move to the storage position as the deck is retraced from a tilted position.

Re claim 18, Cook as already modified by Mentele in claim 16 teaches the ramp pivotally connected to the deck or deck support frame.

Re claim 19, Cook as already modified by Mentele in claim 16 teaches the ramp foldable across its width, and as configured to automatically fold in the storage position and unfold in the loading/unloading position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honan (US 5,433,578) teaches a moving suspension.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Lowe 10/3/07
Michael Lowe
Patent Examiner AU 3652